

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3685 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : YES
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SUSHILABEN AMBALAL TRIVEDI

Versus

DISTRICT SIKSHAN ADHIKARI SHREE

Appearance:

1. Special Civil Application No. 3685 of 1988
MR DAHYABHAI M PATEL for Petitioner
RULE SERVED for Respondent No. 1, 4
GOVERNMENT PLEADER for Respondent No. 3
 2. Special Civil Application No 1565 of 1988
MR DAHYABHAI M PATEL for Petitioner
NOTICE SERVED for Respondent No. 1, 4
GOVERNMENT PLEADER for Respondent No. 3
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Date of decision: 15/12/2000

ORAL JUDGEMENT

The matter was ordered to be heard with Special Civil Application NO.1565 of 1988. Last time the office was directed to place the papers of Special Civil Application No.1565 of 1988 with this matter. An office note is placed wherein it is given out that Special Civil Application No.1565 of 1988 is already decided on 10.2.2000, a copy of the judgement is kept along with this mater, However, the papers of Special Civil Application No.1565 of 1988 could not be placed as the same are not received from Decree Department. On perusal of papers it is found that the present petition is filed for grant of Selection Grade to all the aforesaid petitioners from 1.7.1981.

2. A perusal of the judgment and order in Special Civil Application No.1565 of 1988, reveals that the said petition was also filed for similar reliefs as is clear from para 4 of the judgement.

3. Said petition was allowed on the ground that representation of the petitioner was not considered by the respondents and that respondent no.4 in that petition was directed to consider the representations of petitioners nos. 1, 2 & 3 dated 13.3.1978, 25.4.1987 and 16.5.1987 respectively within a period of six weeks from the date of receipt of copy of the judgement in question, through a speaking order and with the direction that the decision shall be communicated to the petitioners in writing as to the petitioners are entitled to Selection Grade from 1.7.1981 or not. It is deemed fit that the present petition also be disposed of on the same lines.

4. The petitioner is directed to file a representation, if not already filed within four weeks from the date of receipt of copy of this judgement and respondent no.4, Director of Education shall decide the same within six weeks from the date of receipt of such representation. It is further directed that the Director shall decide the same through a speaking order and shall communicate the decision in writing by an R.P.A.D. letter to the petitioner whether the petitioner is entitled to Selection Grade from 1.7.1981.

5. The petition is accordingly allowed. Rule is made absolute with no order as to cost.

15th December, 2000. (Ravi R. Tripathi, J.)

/pvp/